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### NOTES OF CASES.

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**Service of Process under the Clayton Act.**—That a corporation has an agent in a district other than the state of its incorporation does not authorize service of process on the agent unless he acts in a representative capacity in the transaction of business. The Clayton Act permits service of process upon the corporation in its home district in actions brought in any other district. This is preferable to service on the agent, as it eliminates all question as to the character of his employment. Such is the view of the United States District Court, for the District of Maryland, in *Frey & Son, Inc., v Cudahy Packing Co.*, 228 Federal Reporter, 200.

The court's opinion, delivered by Judge Rose, reads in part: "Provided the defendant is suable at all in the district, why not see to it that it shall be summoned in a way to which no possible objections can be made, and which cannot create a dangerous precedent? Whenever upon grounds not obviously frivolous the question is raised as to the authority of the agent upon whom process was served, why cannot the court suspend its answer until the plaintiff has had due process served, as the Clayton Act authorizes, in the home district of the defendant, upon some of its officers whose right to accept service for it cannot be gainsaid? When such service has been made, the question as to whether the earlier one was or was not good will have become so purely academic that there will seldom be an occasion to answer it at all. Such course will be followed in this case provided plaintiff acts with reasonable diligence in causing process to be served upon the defendant in the district of its residence."

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### **Equity; Jurisdiction; Removing Cloud on Title to a Chose in Action.**

—Complainant, by an assignment absolute on its face, transferred to his mother his interest in a life insurance policy made payable to himself. After the death of his mother he brought a bill in equity to reform the assignment to conform to the alleged agreement that the policy should revert to him in case his mother died first. Certain distributees, residents of foreign states, were served by publication. On demurrer to the jurisdiction of the court over such non-residents, it was held that the action was quasi in rem and that, since the court had before it the res, the claim against the insurance company, it could render a valid decree settling the rights of the parties under the policy (*Perry v. Young*, Tenn., 1916, 182 S. W. 577).

Assuming that the situs of the claim against the company was in any jurisdiction where it could be served with process through a duly accredited agent (see 16 Columbia Law Rev., 414) the court, under the statutes, could render a valid decree in rem, provided the nature of the claim presented a proper ground for invoking the ju-